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MICHAEL HEIZER

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Ms. Robin Sweeney
Office of National Transportation
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive M/S 011
Las Vegas, Nevada 89314

Dear Ms. Sweeney:

I am writing to express my concerns to the Department of Energy (DOE) regarding the request of public comment on the Yucca Mountain Rail Alignment EIS.

I must first state that before the Caliente/Chalk Mountain Rail Corridor was chosen and announced to the public on December 31, 2003, neither I or my neighbors were contacted by DOE officials to inform us of our proximity to the route. We were never notified, considered or interviewed by any agency or study group assembled by the DOE at anytime prior to December 31, 2003.

My name is Michael Heizer. My wife and I own a ranch located in Garden Valley, Lincoln County, Nevada. Unfortunately, the DOE's chosen Caliente Corridor runs within 2-3 miles of our property. I have lived here over 30 years, built an operative farm, ranch, and a 1 1/2 mile sculpture project entitled *City*.

I began building *City* in the early 1970's. Since this time, the sculpture has gained national and international recognition. The Caliente Corridor directly threatens one quarter century of my efforts as an artist to contribute to American culture by destroying the pristine, isolated environment of Garden Valley which was originally and is ultimately the foundation of the sculpture. If a rail line is built through Garden Valley, my only option will be to destroy this unique American contribution.

If the DOE upholds the decision to use the Caliente Corridor as the preferred rail line, I ask you to consider an alternate route, specifically a route that would avoid Garden Valley and Coal Valley entirely. If DOE officials had originally consulted with me as a directly affected citizen, I would have suggested the rail line follows the logical route of using the existing highway as an alignment plan, starting from Caliente: US 93 to NV 375 to US 6, through Tonopah and South on US 95 to Yucca Mountain, a route already extant east to west across the state of Nevada. It is my

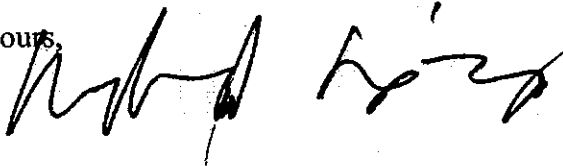
opinion this route would avoid unnecessary damage to the sculpture and the precious assets of many pristine valleys that are traditionally utilized and managed cooperatively between local ranchers and the Bureau of Land Management.

The current DOE alignment route is perceived as preposterous and insulting to myself and my neighbors who have lives and businesses established along this proposed rail line. We consider it unconscionable to construct a rail line through virgin territory when other routes and roads already exist. These routes should be utilized to limit the irreversible damage your project will inevitably cause.

You have an enormous responsibility, and there is an imminent possibility of the DOE making an egregious error. If the Caliente Corridor is built as planned, it will in all certainty be condemned by the vast majority of the American public when they are finally and fully appraised of the massive, unnecessary destruction to our national heritage that the DOE proposes, concealed behind a process of inadequate study and intentional avoidance of public awareness.

I request you reconsider the alignment of the Caliente Corridor to reduce the severe potential damage a cross country rail line will have on the unique American sculpture, City, and the natural and undisturbed valleys of Nevada.

Very truly yours,



Michael Heizer